

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin
DATE: October 20, 2015
RE: 16-0189PD; 76 North Union Street
16-0190PD; 80 North Union Street

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RM Ward: 2C

Owner/Representative: Paul E. Plunkett & Tioli Properties, LLC / Todd Sarandos

Request: Planned Unit Development to dissolve common lot line between 76 and 80 North Union Street and revamp parking area.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), and Article 11 (Planned Unit Development)

Background Information:

The applicants are requesting approval to merge two properties together and to revamp onsite parking with a new shared parking lot behind the existing residences. The two properties contain an existing single family home (80 North Union Street) and an 8-unit residence (76 North Union Street). Merging the two properties into one results in two primary structures on a lot and, therefore, requires review as a planned unit development (PUD). As two properties are involved in this proposal, there are two applications reviewed concurrently.

Previous zoning actions for these properties are as follows:

76 North Union Street

- 9/6/13, Approval to reconfigure porch railings
- 4/17/12, Approval to install 5 replacement windows
- 9/11/86, Approval to repair front porch
- 8/14/86, Denial for front and side porch modifications and enclosure

80 North Union Street

- 10/2/00, Approval to demolish rear shed addition and covert to green space
- 5/5/75, Approval to install chain link fence

Recommendation: Denial as per the following findings.

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject properties are located in the RM zone. This zone is primarily intended for medium density residential development in the form of detached single family homes and attached multi-family apartments. The existing residences reflect the intent of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Following merger, the proposed lot size is 10,166 sf. There is no minimum lot size in the RM zone.

The 8-unit density at 76 North Union Street is well above the 2 unit density allowed under present standards (20 units/acre at 0.14 acre). There are no zoning permits on file affecting the number of dwelling units; however, “existing use” is noted as 11 units on a 1986 zoning denial. Assessor’s records vary between 12 and 8 units. Rental registration records are consistently at 8 units since 2003. While the present 8-unit count has apparently not been permitted, it is at least a reduction in the degree of nonconformity. The applicant needs to demonstrate that the present density at 76 South Union Street is legally nonconforming but has not done so. The 1-unit density at 80 North Union Street is compliant on the 0.09 acre lot. The provisions of Sec. 5.3.4 (a) 2, *Nonconforming Residential Use*, seemingly prohibit merger of the two properties. There is allowance for physical expansion of nonconforming residential uses within dimensional limits so long as there is no increase in dwelling units. In this case, the buildings will remain unchanged. The conforming residential density at 80 North Union Street; however, will be lost and replaced with a newly merged lot with nonconforming density.

Lot coverage is limited to 40%. Existing lot coverages for 76 and 80 North Union Street are not noted individually and must be. 80 North Union Street has significantly less lot coverage than 76 North Union Street. 80 North Union Street may presently comply with lot coverage limits, whereas 76 North Union Street plainly does not. As proposed, the merged lots with revamped parking would result in 61% lot coverage. As with density above, a conforming lot cannot be eliminated to result in a nonconforming lot.

Front and rear setbacks remain unchanged. The merged lot; however, will result in increased side yard setback requirements. As proposed, the minimum side yard setback standards for the buildings are not met. Side yard setbacks may be calculated in one of two ways.

- 1) 10% of lot width. The combined lot would be 103’ wide, resulting in a 10.3’ side yard setback.

OR

- 2) The average of side yard setbacks of (in this case) the 3 neighboring properties (86 North Union, 68 North Union, and 64 North Union). In this case, the average of the north side yard setbacks appears to be close to 0; however, the south side yard setbacks look to average about 26’.

The site plans submitted are reduced size and are, therefore, not true to scale; however, it is clear that the proposed southern side yard setback of about 6’ or 7’ cannot be approved. The 0’ northern

side yard setback remains unaffected by the merger. The proposed rear parking area is compliant with 5' side and rear setbacks.

No change to building height is included in this proposal. **(Adverse finding)**

(c) Permitted & Conditional Uses

The existing single family home and multi-family apartment building are permitted uses in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

No development bonuses are being sought.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (d) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

No new outdoor lighting is proposed.

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. A residential stormwater management plan has also been provided. Stormwater management is basic and amounts to increasing the amount of runoff that will infiltrate into the ground rather than flow into the city system. Review by the Stormwater Administrator is pending. **(Affirmative finding if conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

There are no important natural features on the subject property. **(Affirmative finding)**

(b) Topographical alterations

The site is generally flat and will remain so. Some grading work will be needed for the new parking area; however, it will not substantially alter the existing topography of the site.

(Affirmative finding)

(c) Protection of important public views

There are no designated view sheds from or through the property. **(Affirmative finding)**

(d) Protection of important cultural resources

Neither building is included on an historic register; however, 76 North Union Street is plainly eligible for inclusion. In any event, no exterior building alterations are included in this proposal.

(Affirmative finding)

(e) Supporting the use of alternative energy

No utilization of alternative energy is included in this proposal. Future utilization is not precluded by the project. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature’s events

See Sec. 5.5.3 for stormwater management.

(h) Building location and orientation

Building location and orientation remains unchanged. **(Affirmative finding)**

(i) Vehicular access

The two existing driveways will be retained, although the driveway for 80 North Union Street will provide access to the new parking area. The driveway for 76 North Union Street will be shortened and provide just 1 parking space. **(Affirmative finding)**

(j) Pedestrian access

As proposed, pedestrian access remains unchanged. The front entries of both residences connect to the public sidewalk system via front walkways. There are no walkways connecting the new parking area to building entries, but there should be if lot coverage allows. **(Affirmative finding if conditioned)**

(k) Accessibility for the handicapped

There are no apparent provisions for handicap accessibility. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding if conditioned)**

(l) Parking and circulation

The proposed parking area is located to the rear of the merged property as recommended. The parking area behind 76 North Union Street will be removed and converted to green space. Without true-to-scale drawings, the sufficiency of parking and circulation dimensions is somewhat unclear. The parking spaces themselves appear to be compliant at about 9' X 20'. Back-up space; however, is plainly inadequate with perhaps 11' of room. At the proposed 90-degree parking angle, 24' back-up space is recommended. **(Adverse finding)**

(m) Landscaping and fences

Landscaping remains unchanged. The proposed parking area's location behind the buildings effectively screens it from the street. **(Affirmative finding)**

(n) Public plazas and open space

Not applicable. None proposed.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new utility lines are proposed. No ground-mounted mechanical equipment is included in the proposal. A new dumpster area is indicated alongside the new parking area. No details are provided. The dumpster must be placed on a concrete pad and fully screened. **(No finding possible)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, each dwelling unit requires 2 parking spaces. 80 North Union Street presently has 2 parking spaces. The number of existing parking spaces at 76 North Union Street is unclear but looks to be 3 or 4. As proposed, the shared parking area would contain 8 parking spaces. An additional 1 space would be located to

the south of the 8-unit apartment building. So as to avoid creating new parking nonconformity, at least 2 of the proposed parking spaces must be allotted to 80 North Union Street. The remainder may serve 76 North Union Street. Parking for the 8-unit building remains nonconforming but less so. **(Affirmative finding if conditioned)**

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

(c) Lot Line Adjustment – Administrative Decision

The proposed property merger amounts to a lot line adjustment. As it results in two primary structures on a single merged lot, it becomes a PUD and cannot be approved administratively. Per criterion 1 (B), the proposed merger cannot be approved because it results in density, lot coverage, and setback nonconformity. **(Adverse finding)**

Article 11: Planned Unit Development (as adopted by City Council 8.10.2015)

Sec. 11.1.6, Approval Requirements

(a) The minimum project size requirements of Sec. 11.1.3 shall be met.

There is no minimum project size for a PUD in the RM zone. **(Affirmative finding)**

(b) The minimum setbacks required for the district have been met at the periphery of the project.

As noted previously, the resultant southern side yard setback is noncompliant. **(Adverse finding)**

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Article 6 above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable.

See Sec. 10.1.5.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project.

As noted previously, resultant density and lot coverage are noncompliant and come at the expense of losing compliance at 80 North Union Street. Frontage is acceptable at 103.’ **(Adverse finding)**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project.

Multi-family properties are allowed in the RM zone. The use is compliant if not the density.

(Affirmative finding)

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

The application contains no provision for maintenance of common land. **(No finding possible)**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

Not applicable.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

This PUD is backwards in that the buildings and their dwelling units are already in place. Design and development of the land has largely taken place already. The merger of the two lots into one happens to require review as a Planned Unit Development. **(Affirmative finding)**

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed PUD will have no impact on the provision of streets and utilities.

(Affirmative finding)

(c) Preserve the natural and scenic qualities of open space;

Very limited open space will remain, and some new open space will be created behind 76 South Union Street. **(Affirmative finding)**

(d) Provide for a variety of housing types;

Not applicable. No change.

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,

The properties are already developed; however, the shared parking arrangement included in this proposal could not otherwise be achieved. **(Affirmative finding)**

(f) Achieve a high level of design qualities and amenities.

No changes to design or amenities are included in this proposal. **(Affirmative finding)**

(j) The proposed development shall be consistent with the Municipal Development Plan

While this proposal has significant dimensional and density problems under the zoning standards, its existing uses (a mixture of multi-family and detached single family residences) reflect precisely what is envisioned for the Medium Density Residential zone. **(Affirmative finding)**

(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.

Not applicable.

II. Reasons for Denial

Per the “adverse findings” and “no findings possible” above.